

United States District Court
District of Massachusetts

)
EDWARD A. MCCARTHY,)
)
)
Plaintiff,)
)
) Civil Action No.
v.) 04-10335-NMG
)
)
MCCLANE COMPANY, INC.,)
CONSTRUCTION MANAGEMENT)
TECHNOLOGY, LINCOLN FRANKLIN,)
LLC,)
)
Defendants.)
)
)

ORDER

GORTON, J.

On February 20, 2004, Defendant McLane Company, Inc. ("McLane") removed the present action to this Court and, on November 29, 2004, McLane was ordered to submit a memorandum discussing whether this Court has subject matter jurisdiction over the case. On December 15, 2004, McLane filed a memorandum conceding that this Court lacks jurisdiction. Accordingly, Civil Action No. 04-10335-NMG is hereby **REMANDED** to the Middlesex Superior Court Department, Middlesex County, Massachusetts for further proceedings.

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated December 20, 2004